

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

**FRANCIS FITZMAURICE, an
Individual,**

Plaintiff,

V.

CREIGHTON UNIVERSITY,

Defendant.

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CASE NO. 8:06CV377

ORDER OF DISMISSAL

This matter is before the Court on the Plaintiff's Motion to Dismiss. While the motion does not fully satisfy the requirements of Fed. R. Civ. P. 41(a)(1)(ii), (because it does not state whether the dismissal is with or without prejudice), the proposed order submitted by Plaintiff's counsel to the Court indicates that the dismissal is intended to be with prejudice. Taken together, the parties have satisfied the requirement of Rule 41. The Court concludes that the motion should be granted. Accordingly,

IT IS ORDERED:

1. The Motion to Dismiss (Filing No. 24) is granted;
2. The Complaint and all claims in this matter are dismissed with prejudice; and
3. The parties will pay their own costs and attorney fees, unless otherwise agreed by and between them in writing.

DATED this 7th day of February, 2008.

BY THE COURT:

s/Laurie Smith Camp
United States District Judge